

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**DIANTI EARLY,**

Civil Action No. 22-cv-00816-SCJ

*Plaintiff,*

v.

**OFFICER JOHN MAYS,**

Individually, as an officer of the  
UNION CITY POLICE DEPARTMENT;

*Defendant.*

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**PLAINTIFF'S COUNTER STATEMENT OF MATERIAL FACTS**

1. On March 1, 2020, Mr. Early was taking his cousin, Justin Whitehead, home who lives in the Shannon Lake Apartment Complex, on Buffington Road in Union City, Georgia. Early Dep. at 24:18-21.
2. They stopped at an Exxon gas station, parked the car, and entered the convenience store. Early Dep. at 24:23; and 25:1-3.
3. Early parked in the front of the store, entered in the store, came back out, and saw officer Mays sitting inside his vehicle in the parking lot.  
*Id.*

4. Early exited the parking lot and proceeded to drive down Buffington Road to Whitehead's house, when he noticed Mays pull out of the parking lot behind him. Early Dep at 25:4-7.
5. Early turned into the Apartment complex and drove into the neighborhood. Early drove further into the complex when Mays turned on his lights. Early did not stop the vehicle. Early Dep. at 25:8-11.
6. Mays radioed dispatch and learned that the vehicle had been reported stolen out of Atlanta. When calling dispatch run the plates of the Jeep, Mays never mentioned that he observed a bulge resembling a weapon. Nor was there any mention of the occupants inside the vehicle possibly being armed and dangerous. *See Recording of Radio Dispatch.*
7. Early proceeded to drive to the back of the complex, slowed down the vehicle to exit it. Early Dep. at 25:11-15.
8. After slowing down and getting out, Early stumbled and fell. He got back up and looked to see where Mays was. Early Dep. at 25:15-16.
9. Early observed Mays coming towards him, so he decided to try to run away from him. Early Dep. at 25:21-22.
10. Early was armed but his weapon was not in his hands nor was it visible. *See Recording of Radio Dispatch.*

11. Early saw Mays driving towards him, and not slowing down.

Early saw Mays turn his steering wheel in his direction steering the police vehicle towards Early to hit him. Early Dep. at 25:24-25; 26:1-4.

12. Early fell once struck by Mays' vehicle and was run over by the car. Early Dep. at 26:5.

13. Then Mays then rolled the car off of Early, and he tried again to run away from Mays but he could not run due to his ankle being broken. Early Dep. at 26:8-9.

14. Early noticed that his ankle was turned to the side and his bones were showing. Early Dep. at 26:9-12.

15. Early hopped on one leg towards the woods and Mays tackled him. After tackling Early to the ground, Mays continued to drag Early to different places, causing Early to scream out in pain and lose consciousness. Early Dep. at 26:14-22; *See Mays Body Cam Video*.

16. Mays acknowledges numerous times throughout the body cam video that he ran over Early with his vehicle. *See Mays Body Cam Video*.

17. At his deposition, Mays asserted that he did not know if he ran over Early and speculated that he could have run over "a tree limb." Mays Dep at 38:1-23.

18. Early purchased the vehicle from a seller he found on Instagram who has a lot in Covington. He paid cash for the car and received a bill of sale. The bill of sale was inside the vehicle when he was transported from the scene. Early Dep. at 27:10-24; 28:7-11.
19. Early was arrested and originally charged with theft by receiving the stolen vehicle and misdemeanor obstruction for running away from Mays. However, the Fulton County District Attorney's Office dismissed the theft charge and elected to proceed only on the obstruction charge. Early Dep. at 113:1-14; 114:13-19.
20. Mays failed to turn on his body camera until after he ran over Early. Mays Dep. at 44:3-11.
21. Mays has been sanctioned for failing to use his body camera in accordance with policy in this incident and on more than one occasion by his police department. Ceden Dep. at 20:25; 21:1; 41:17-24; 45:1-2; 51:3-6; Pittman Dep. at 38:12.

Respectfully submitted this 7<sup>th</sup> day of August 2023,

/s/ Tanya Miller

Tanya F. Miller (GA Bar No. 508434)

DuBose Miller

75 14th NE, Suite 2110

Atlanta, GA 30309

Telephone: (404) 720-8111

[Miller@dubosemiller.com](mailto:Miller@dubosemiller.com)

*Attorney for Plaintiff Dianti Early*

**CERTIFICATE OF TYPE STYLE**

Pursuant to Local Rule 7.1(D), I hereby certify that the foregoing has been prepared in compliance with Local Rule 5.1(B) in Century Schoolbook 13-point typeface.

/s/ Tanya F. Miller

*Attorney for Plaintiff Dianti Early*